

to the amount of that child's foster care or treatment foster care, or subsidized guardianship care payment at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

**SECTION 1025.** 48.975 (3) (a) 2. of the statutes is amended to read:

48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster care or treatment foster care, or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the uniform foster care rate in effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

**SECTION 1026.** 48.975 (4) (a) of the statutes is amended to read:

48.975 (4) (a) Except in extenuating circumstances, as defined by the department by rule promulgated under sub. (5) (a), a written agreement to provide adoption assistance shall be made prior to adoption. An agreement to provide adoption assistance may be made only for a child who, at the time of placement for adoption, is in the guardianship of the department or other agency authorized to place children for adoption or, in the guardianship of an American Indian tribal agency in this state, or in a subsidized guardianship under s. 48.62 (5).

**SECTION 1027.** 48.975 (4m) of the statutes is created to read:

**48.975 (4m) RECOVERY OF INCORRECT PAYMENTS.** The department may recover an overpayment of adoption assistance from an adoptive parent who continues to receive adoption assistance for maintenance by reducing the amount of the adoptive parent's monthly payment of adoption assistance for maintenance. The department may by rule specify other methods for recovering overpayments of adoption assistance.

**SECTION 1028.** 48.977 (title) of the statutes is amended to read:

**48.977 (title) Appointment of relatives as guardians for certain children in need of protection or services.**

**SECTION 1029.** 48.977 (1) of the statutes is repealed.

**SECTION 1030.** 48.977 (2) (intro.) of the statutes is amended to read:

48.977 (2) **TYPE OF GUARDIANSHIP.** (intro.) This section may be used for the appointment of a ~~relative of a child as a~~ guardian of the person for ~~the~~ a child if the court finds all of the following:

**SECTION 1031.** 48.977 (2) (a) of the statutes is amended to read:

48.977 (2) (a) That the child has been adjudged to be in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or 938.13 (4) and been placed, or continued in a placement,

outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or longer or that the child has been so adjudged and placement of the child in the home of a guardian under this section has been recommended under s. 48.33 (1) or 938.33 (1).~~

**SECTION 1032.** 48.977 (2) (b) of the statutes is amended to read:

48.977 (2) (b) That the person nominated as the guardian of the child is a ~~relative of the child~~ person with whom the child has been placed or in whose home placement of the child is recommended under par. (a) and that it is likely that the child will continue to be placed with that relative person for an extended period of time or until the child attains the age of 18 years.

**SECTION 1033.** 48.977 (2) (c) of the statutes is amended to read:

48.977 (2) (c) That, if appointed, it is likely that the relative person would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years.

**SECTION 1034.** 48.977 (2) (f) of the statutes is amended to read:

48.977 (2) (f) That the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child or that the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to prevent the removal of the child from his or her home, while assuring the child's health and safety, but that continued placement of the child in the home would be contrary to the welfare of the child, except that the court is not required to find that the agency has made those reasonable efforts with respect to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the guardianship order. A guardianship order that merely references this paragraph without documenting or referencing that specific information in the order or an amended guardianship order that retroactively corrects an earlier guardianship order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 1035.** 48.977 (3r) of the statutes is created to read:

48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subject to s. 48.62 (5) (d), if a county department or, in a county having a population of 500,000 or more, the department has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and providing monthly subsidized guardianship payments to the guardian are in the best interests of the child, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of that determination and a request for the court to include in the court's findings under sub. (4) (d) a finding confirming that determination. If the court confirms that determination and appoints a guardian for the child under sub. (2), the county department or department shall provide monthly subsidized guardianship payments to the guardian under s. 48.62 (5).

**SECTION 1036.** 48.977 (4) (a) 4. of the statutes is amended to read:

48.977 (4) (a) 4. The relative person with whom the child is placed or in whose home placement of the child is recommended as described in sub. (2) (a), if the relative person is nominated as the guardian of the child in the petition.

**SECTION 1037.** 48.977 (4) (a) 6. of the statutes is amended to read:

48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has been placed pursuant to an order under ch. 938 or the child's placement with the guardian is recommended under ch. 938, a county department under s. 46.215, 46.22, or 46.23.

**SECTION 1038.** 48.977 (4) (b) 3. of the statutes is amended to read:

48.977 (4) (b) 3. The date on which the child was adjudged in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or 938.13 (4) and the dates that on which the child has been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1) in which placement of the child in the home of the person is recommended.

**SECTION 1039.** 48.977 (4) (c) 1. g. of the statutes is amended to read:

48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose home placement of the child is recommended as described in sub. (2) (a), if the relative person is nominated as the guardian of the child in the petition.

**SECTION 1040.** 48.977 (4) (e) of the statutes is amended to read:

48.977 (4) (e) *Court report.* The For a child who has been placed, or continued in a placement, outside of his or her home for 6 months or longer, the court shall order

the person or agency primarily responsible for providing services to the child under a court order to file with the court a report containing the written summary under s. 48.38 (5) (e) and as much information relating to the appointment of a guardian as is reasonably ascertainable. For a child who has been placed, or continued in a placement, outside of his or her home for less than 6 months, the court shall order the person or agency primarily responsible for providing services to the child under a court order to file with the court the report submitted under s. 48.33 (1) or 938.33 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared, and as much information relating to the appointment of a guardian as is reasonably ascertainable. The agency shall file the report at least 48 hours before the date of the dispositional hearing under par. (fm).

**SECTION 1041.** 48.977 (4) (g) 1. of the statutes is amended to read:

48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of the child.

**SECTION 1042.** 48.977 (4) (g) 2. of the statutes is amended to read:

48.977 (4) (g) 2. The willingness and ability of the relative person to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years.

**SECTION 1043.** 48.977 (4) (h) 1. of the statutes is amended to read:

48.977 (4) (h) 1. A disposition dismissing the petition if the court determines that appointment of the relative person as the child's guardian is not in the best interests of the child.

**SECTION 1044.** 48.977 (4) (h) 2. of the statutes is amended to read:

48.977 (4) (h) 2. A disposition ordering that the relative person with whom the child has been placed or in whose home placement of the child is recommended as described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or limited guardian under sub. (5) (b), if the court determines that such an appointment is in the best interests of the child.

**SECTION 1045.** 48.982 (4) (a) of the statutes is amended to read:

48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m), and (q), the board shall award grants to organizations in accordance with the plan developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are awarded, no organization may receive a grant or grants totaling more than \$30,000.

**SECTION 1046.** 48.982 (6) (a) of the statutes is amended to read:

48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma), and (q), the board shall award grants to organizations in accordance with the request-for-proposal procedures developed under sub. (2) (a). No organization may receive a grant or grants